



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/422,202	10/19/1999	JAMES D. BENNETT	P99-00-E	5239

7590 10/24/2003

JAMES BUCH
ENGATE INCORPORATED
1302 E FOREST AVENUE
WHEATON, IL 60187

EXAMINER

SONG, HOSUK

ART UNIT	PAPER NUMBER
----------	--------------

2131

DATE MAILED: 10/24/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

PP-4

Office Action Summary

Application No.

09/422,202

Applicant(s)

BENNETT ET AL.

Examiner

Hosuk Song

Art Unit

2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 October 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 7. 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Woods et al.(US 5,280,430) in view of Pugh et al.(US 5,414,754).

Claims 1,2: Woods discloses computer aided transcription system(CAT) where it is coupled to a system in (fig.1). Woods discloses transcribing by the computer aided transcription system representation of spoken words to text in real time in (col.3,lines 16-23). Woods does not specifically disclose CAT coupled to a remote system for authorization. Pugh's patent discloses CAT coupled to a remote system for authorization in (col.7,lines 37-43). It would have been obvious to person of ordinary skill in the art at the time invention was made to have CAT coupled to a remote system for authorization so that stenographic event is controlled by a remote cite thus allowing multiple stenographer/transcriptionist to be utilized in a far more efficient manner as well as significantly expanding the geographic area to which a service system can provide it's services with security. It would have been obvious to person of ordinary skill in the art at the time invention was made to disable transcribing by the CAT after the predetermined amount of transcription has been reached. One of ordinary skill in the art would be motivated to use this method in order to control and better manage the system where user is only entitled to preauthorized amount of transcription not more or not less. Further, since the

Art Unit: 2131

system is disabled after certain amount of time, it prevents hackers from repeated use of the system.

Claims 3-6: Woods/Pugh does not specifically disclose charging by the remote system a credit card for the predetermined amount of transcription. Official notice is taken that payment by credit card for the service received by the user is well known in the art. One of ordinary skill in the art would have been motivated to use credit card for payment because it's convenient and offers financial flexible option. Further, since credit card information is prestored in the remote system user does not have to carry any monetary instrument.

Claim 7: Woods does not specifically disclose predetermined amount of transcription is based on one of time of transcription, number of words transcribed and number of pages transcribed. Pugh discloses this limitation in (col.7, lines 37-42). It would have been obvious to person of ordinary skill in the art at the time invention was made to charge the user based on time of transcription as taught in Pugh with transcription system disclosed in Woods so that users involved in transcription process will only be charged for duration of the transcription process. Time based fee offers fair and honest service to the users.

Claims 8-11: Woods discloses computer aided transcription system(CAT) where it is coupled to a system in (fig.1). Woods discloses transcribing by the computer aided transcription system representation of spoken words to text in real time in (col.3, lines 16-23). Woods does not specifically disclose CAT coupled to a remote system for authorization. Pugh's patent discloses CAT coupled to a remote system for authorization in (col.7, lines 37-43). It would have been obvious to person of ordinary skill in the art at the time invention was made to have CAT coupled to a remote system for authorization so that stenographic event is controlled by a remote cite thus allowing multiple stenographer/transcriptionist to be utilized in a far more efficient manner as well as significantly expanding the geographic area to which a service

Art Unit: 2131

system can provide it's services with security. It would have been obvious to person of ordinary skill in the art at the time invention was made to disable transcribing by the CAT after the predetermined amount of transcription has been reached. One of ordinary skill in the art would be motivated to use this method in order to control and better manage the system where user is only entitled to preauthorized amount of transcription not more or not less. Further, since the system is disabled after certain amount of time, it prevents hackers from repeated use of the system.

Claim 12-14: Woods/Pugh does not specifically disclose charging by the remote system a credit card for the predetermined amount of transcription. Official notice is taken that payment by credit card for the service received by the user is well known in the art. One of ordinary skill in the art would have been motivated to use credit card for payment because it's convenient and offers financial flexible option. Further, since credit card information is prestored in the remote system user does not have to carry any monetary instrument.

Claim 15: Woods discloses computer aided transcription system(CAT) where it is coupled to a system in (fig.1). Woods discloses transcribing by the computer aided transcription system representation of spoken words to text in real time in (col.3,lines 16-23). Woods does not specifically disclose CAT coupled to a remote system for authorization. Pugh's patent discloses CAT coupled to a remote system for authorization in (col.7,lines 37-43). It would have been obvious to person of ordinary skill in the art at the time invention was made to have CAT coupled to a remote system for authorization so that stenographic event is controlled by a remote cite thus allowing multiple stenographer/transcriptionist to be utilized in a far more efficient manner as well as significantly expanding the geographic area to which a service system can provide it's services with security.

Claims 16-20: Woods does not specifically disclose generating a bill based on the monitoring. Pugh's patent discloses generating a bill based on the monitoring in (col.7,lines 37-42). It would have been obvious to person of ordinary skill in the art at the time invention was made to generate a bill based on the monitoring disclosed in Pugh with transcription system taught in Woods in order to charge the customer based on the time and volume of the transcription process so that it offers fair and balanced charge system to the users.

IDS

2. One of the reference in IDS "Fundamentals of Speech Recognition," Prentice Hall PTR(paper #7) is missing from the file. Therefore it will not be consider at this time. The examiner will consider missing reference when submitted by the applicant.

Conclusion

3 The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Golwasser et al.(US 4,908,866) discloses speech-transcribing system.

b. Smith et al.(US 4,249,041) discloses dictation transcription system.

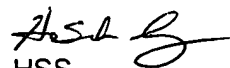
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hosuk Song whose telephone number is 703-305-0042. The examiner can normally be reached on Tue-Fri from 6:00 am- 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 703-305-9648. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Application/Control Number: 09/422,202

Art Unit: 2131


HSS

Page 6


FRANTZ B. JEAN
PRIMARY EXAMINER